

Before the Board of Zoning Adjustment, D. C.

Application No. 11995, of NATCO, pursuant to Section 8207.2 and 8207.1 of the Zoning Regulations for Special Exceptions to permit a new subdivision with the construction of **six** (6) semi-detached dwellings in the R-5-A Zone and for variances from the side yard requirements of Section 3305.1 of the regulations as provided by Section 8207.11 of the regulations, at the premises 2415 thru 2425 17th Street, S. E., Lots 11, 34-39, Square 5824.

HEARING DATE: September 17, 1975

DECISION DATE: September 30, 1975

FINDINGS OF FACT:

1. The applicant proposes to subdivide Square 5824 into **six** (6) lots and improve the proposed lots by the construction of six (6) semi-detached modular type single family dwellings.

2. The applicant's proposed development requires the following side yard variances.

Side Yard Variances Requested

<u>Addresses</u>	<u>Variance</u>
2415 17th St., S. E.	3 feet
2425 17th St., S. E.	3 feet
2417 17th St., S. E.	4 feet
2419 17th St., S. E.	4 feet
2421 17th St., S. E.	4 feet
2423 17th St., S. E.	4 feet

3. The R-5-A Zone requires a minimum side yard of eight (8) feet (Section 3305.3 of the Zoning Regulations).

4. The lot area requirement for the R-5 District is left to discretion of the Board by Section 3301.1 of the regulations.

5. The lot area prescribed for one family semi-detached dwellings except for the R-5 District is 3000 square feet.

6, The lot areas proposed for the subdivisions and development in question are as follows:

<u>Address</u>	<u>Lot Area</u>
2415 17th St., S. E.	2,520 Square feet
2417 17th St., S. E.	2,415 Square feet
2419-17th St., S. E.	2,415 Square feet
2421 17th St., S. E.	2,415 Square feet
2423 17th St., S. E.	2,415 Square feet
2425 17th St., S. E.	2,520 Square feet

7, The proposed lot areas for the development for each lot and address in this application will in no case be more than 585 square feet less than the standard lot area requirement for semi-detached single family dwellings in residential zone districts other than the R-5 Zone District.

8, The proposed dwellings would be two-stories with a basement and consist of three (3) bedrooms, dining room, kitchen, and living room (1st & 2nd floors) and recreation room, utility room, bathroom and study (basement).

9. The lot width requirement for the R-5 District is left to the discretion of the Board by Section 3301.1 of the Zoning Regulations.

10. The lot width **for each** of the six (6) proposed lots would be twenty-three (23) feet for the interior **lots**, and twenty-four (24) feet for the end lots.

11. The prescribed lot width for lots developed with semi-detached dwellings in all residential zone districts except **the** R-1-A, R-1-B and R-5 (non-prescribed) is thirty (30) feet (**Section** 3301.1 of the Zoning Regulations).

12. Because the Board has descretion in prescribing lot width and lot area in the R-5 **Zone** District, the proposed subdivision is a special exception based upon a design review of a proposed R-5 development and application of Section 8207.2 of the regulations.

13. The proposed development plan provides for one (1) off street parking space to be located at the rear of each of the proposed six (6) semi-detached dwellings.

14. Access to the off street parking spaces proposed would be from an alley way which abuts the rear of the proposed subdivided lots and dwellings.

15. The applicant plans to locate the entrance way to the proposed dwelling on the side of houses in order to provide a reasonable access to the house for potential owners.

16. There is an increase in grade level from 17th Street, S. E., which abuts the front of the proposed lots, to the allowable building restriction lines of the subject property, at a ratio of two to one.

17. The building restriction lines are approximately twenty (20) feet higher than the grade level of 17th Street, S. E.

18. The location of the entrance way to the houses in question, if placed on the side of the houses, would allow sixty (60) feet to construct a stair-way access **up** the twenty (20) feet incline, as opposed to constructing an entrance way to the houses facing 17th Street, S. E., which would allow forty (40) feet to construct a stair way access up the twenty (20) feet incline.

19. The reason for the side yard variances requested, is that the stoops at the proposed side entrances to the houses **must** be supported by a brick wall: those walls will incroach into the required side yards.

20. The **proposed houses** do not encroach into **required** side yards of the proposed lots.

21. The topography of the property in question creates exceptional conditions for development.

22. The neighbors to the subject property **who oppose this** application do not oppose the houses in question, however, they

contend that the side yard variances are unnecessary And that side entrance ways to the proposed houses would not be required if the applicant would cut down the hill upon which the houses would be constructed.

23. The alley way which abuts the rear of the proposed lots, is on grade with the top of the hill on which the houses are to be constructed. The top of the hill located in square 5824 is relatively flat.

24. If the applicant cut down the hill in question to the level of 17th Street, it would then be necessary to lower the grade of the near alley-way which now serves **on grade apartment** buildings access to the alley from the property in question.

25. It is impossible to cut down this site to the grade level of 17th Street and still provide alley access for the proposed parking spaces in this application, as well as access to the apartment buildings across the alley.

26. There is no contention of record that the side yard variances requested, if granted, would cut off any light and air to houses proposed to be constructed.

27. The neighborhood of the proposed development is improved by a mixture of row-houses, semi-detached houses, and apartment buildings.

28. There ~~were~~ no specific points of opposition raised regarding how the proposed development would adversely affect the use of nearby or adjoining property.

OPINION. AND CONCLUSIONS OF LAW:

Based upon the evidence of Record and the foregoing Findings of Fact, the Board is of the opinion that the applicant has demonstrated the existence of a practical difficulty and hardship to warrant the granting of relief from strict application of the Zoning Regulations. The reason for requesting the side yard variances herein appear to be reasonable to the Board in light of the unusual topographical features existing on the subject property. It is possible that the applicant could remove these unusual topographical

features, however, in doing so, alley access to the off-street parking spaces proposed for this development would be eliminated. It is the opinion of the Board, that the plan before it in this application is a reasonable effort to make a beneficial use of the subject property. The Board is cognizant of the opposition to this application, however, in our opinion, the contentions of the opposition do not demonstrate that proposed development in question would adversely affect nearby or adjoining property or be detrimental to the public good.

As to the Special exception for subdivision of the property in question, the Board is of the opinion that lot width and lot area of the proposed lots is adequate to support the uses contemplated and allowed by the Zoning Regulations on this property. The Board also is of the opinion that the lot sizes of the proposed lots are consistent with the sizes of other lots in the neighborhood, which is mixed with apartments, row-house, and semi-detached house development. The Board concludes that the proposed subdivision is in harmony with the general purpose of the Zoning Regulations.

Therefore, the Board concludes that the applicant has carried its burden of proving the existence of a practical difficulty and hardship within the meaning of Section 8207.11 of the regulations, and that the side yard variances requested will not violate the meaning and intent of the Zoning Regulations and Maps.

ORDERED : That the above application be GRANTED

VOTE : 4-1 (Lilla Burt Cummings, Esq., dissenting)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: James E. Miller

JAMES E. MILLER

FINAL DATE OF ORDER: Dec 10, 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.